IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 5800 of 2005

Between:

M.Sreenivasulu, S/o. M.Kondaiah Chowdary,
Anantapur New Bus Station, 8/16, Industrial Estate,
Kunool, Kuunool District.

..... PETITIONER

AND

1 The Vice-Chairman-Cum-Managing Director,

A.P.S.R.T.C., Hyderabad.
2 The Regional Manager, A.P.S.R.T.C., Ananthapur Region,
3 The Dividional Manager, A.P.S.R.T.C., Ananthapur Region,
4 The Depot Manager, A.P.S.R.T.C., Ananthapur Region,
5 The Bus Station Manager, A.P.S.R.T.C., New Bus Stand,

Ananthapur

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction(s) essentially in the nature of Writ of Mandamus declaring the Impugned Proceedings contained in No.02/122 (36) 2001 RM 'A', Dated 22-12-2004 issued by the Respondents No.2 herein rejecting application of the Petitioner herein for renewal of license for installing KIOSKS STALL in open space admeasuring 6 x 6 Square Feet at New Bus Station, Ananthapur, and consequential Tender Notification contained in No.02/122(15) 2005 R.M.A., dated:02-03-2005 as bad, illegal, arbitrary, without jurisdiction and unconstitutional besides being violative of Articles 14,19(g) and 21 of the Constitution of India and consequently direct the Respondents herein to renew the license of the Petitioner for installing KIOSKS STALL in open space admeasuring 6x6 Square Feet at New Bus Station, Anantapur, for 3 years in terms of the Circular No.83/2003-OPD(C), dt. 29-10-2003 issued by the Respondent No.1 herein. And pass such other order or

orders.

Counsel for the Petitioner: MR.KARNAMRAMESH

Counsel for the Respondent Nos.1 to 5: MR.P.VINAYAKA SWAMY (SC FOR APSRTC)

The Court at the admission stage made the following:

ORDER:

Challenging the impugned proceedings No.02/122(36)/2001 RM 'A', dated 22.12.2004, issued by the 2nd respondent, rejecting the application of the petitioner for renewal of license for installing KIOSKS Stall in open space admeasuring 6 x 6 square fee at New Bus Station, Anantapur, the present writ petition is filed.

The brief facts that are necessary for disposal of the writ petition may be stated as follows:

When the 2nd respondent issued proceedings No.02/122 (36)/2001.RM 'A', dated 08.06.2004, terminating the license of the petitioner, in violation of conditions of the agreement, the petitioner filed W.P.No.9933 of 2004 before this Court, and the same was allowed, setting aside the said proceedings, thereby giving liberty to the writ petitioner to file an application, seeking renewal of license, keeping in view that the license period would expire by 29.08.2004. Thereafter the impugned order has been passed on 22.12.2004. Challenging the same, the present writ petition is filed.

The learned Counsel for the petitioner vehemently contended that since the proceedings dated 08.06.2004, has been set aside by this Court, the grounds mentioned therein have become nonest in the eye of law and the same grounds cannot be agitated. The second ground, on which the case of the petitioner was rejected, is about subleasing of KIOSKS stall, for that, no notice was given with regard to sublease, and therefore, the principles of natural justice have been violated.

On the other hand, the learned standing Counsel appearing for the respondents contended that after considering the representation of the petitioner, the impugned

order has been passed and it does not suffer from any serious legal infirmities so as to call for interference by this Court.

The contention of the learned Counsel for the petitioner is that since the 2nd respondent issued the impugned proceedings on the same grounds, on which the previous proceedings have been set aside by this Court, and hence, the grounds mentioned in the impugned proceedings have become nonest in the eye of law and on the same ground, the 2nd respondent cannot reject the case of the petitioner.

This Court is unable to accept the said contention simply because the proceedings dated 08.06.2004 have been set aside, that does not mean the grounds mentioned in the impugned proceedings have become nonest. In WP.No.9933 of 2004, this Court, by its order dated 02.08.2004, directed the petitioner to make a representation to the respondents for reconsideration of his request for renewal of his license, and remitted the matter to the respondents for consideration afresh. That does not mean the grounds, which were taken by the respondents, were wiped out from record and they cannot be considered again. The impugned proceedings go to show that the petitioner is a habitual defaulter in remitting license fee and he committed default for about
16 times. Such a person does not deserve sympathy from this Court. Even otherwise the circular instructions cannot give any right to the petitioner.

The petitioner cannot have any right to challenge the fresh tender notification dated 02.03.2005, unless his case is discriminated or he was treated unfairly by the respondents. That stage has not come. The writ petition is devoid of merit.

Therefore, the Writ Petition is dismissed. No order as to costs.

Dated: 22.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Vice Chairman-cum-Managing Director,

Andhra Pradesh State Road Transport Corporation,

Hyderabad

2. The Regional Manager, APSRTC,

Ananthapur Region, Ananthapur

3. The Divisional Manager, APSRTC,

Ananthapur Division, Ananthapur

4. The Depot Manager, APSRTC,

Ananthapur

5. The Bus Station Manager,

APSRTC, New Bus Stand, Ananthapur

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